

REMARKS/ARGUMENTS

The applicants have studied the office action mailed September 11, 2008, and have made the changes believed appropriate to place the application in condition for allowance.

Reconsideration and reexamination are respectfully requested.

Non-method claims have been cancelled without prejudice and the remaining method claims have been amended without prejudice. Although Applicants amended and cancelled claims, Applicants are not conceding in this application that the claims in their pre-amended form are invalid for being unpatentable, as the present claim amendments are for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in this present application and one or more continuations and/or divisional patent applications.

Claims 1-7, 9, 12-19, 21, 24-33, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahavi (US 6,820,035). Claims 10-11, 22-23, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahavi (US 6,820,035), and in view of Lee et al. (US Patent Application Publication 200310120864). These rejections are respectfully traversed.

For example, claim 25 is directed to a “method for providing automatic performance optimization of virtualized storage allocation within a network of operating storage elements, comprising: administering said network of operating storage elements, said administering including: providing storage from said network of operating storage elements to a plurality of storage users; receiving from a requesting storage user of said plurality of storage users, a request for additional storage from said network of operating storage elements, for storage of data; determining workload requirements of the requesting storage user making the request; analyzing system parameters including performance characteristics of storage volumes within the operating network; and providing additional storage from said network of operating storage elements to meet the determined workload requirements of the requesting storage user and to meet competing workload requirements based on the analysis of the system parameters; wherein the determining workload requirements of the user making the request further comprises automatically creating workload requirements based on observations of storage access patterns of said requesting storage user wherein said automatically creating workload requirements includes observing storage access patterns in a selected storage in said network of operating storage elements in the environment of said requesting storage user, storing observed storage

access patterns of said selected storage in a database, and creating a workload description for said requesting storage user based on the observed storage access patterns of the selected storage of the requesting storage user.”

As explained in greater detail in the present specification, one application of a method in accordance with claim 25 provides an “*automatic* performance optimization of virtualized storage *allocation* within a network of *operating* storage elements.” [emphasis added] In contrast, the Examiner’s citations to the Zahavi reference appear to be directed to a method for “storage capacity *planning*” [Zahavi, col. 4, lines 39-41, emphasis added] for a *future network* rather than *automatic allocation* of storage within an *operating* storage system.

Thus, for example, the Examiner has cited area 524 of figure 13 of the Zahavi reference as providing a user interface that allows a user to define workload requirements. However, it is clear that such definition of workload requirements in the Zahavi reference is part of a planning process for a future storage network. The Examiner has cited no portion of the Zahavi reference which teaches or suggests “determining workload requirements of the requesting storage user making the request” wherein the recited determining operation is part of “administering said network of *operating* storage elements” as required by claim 25 [emphasis added]. Instead, it is clear that user of area 524 of figure 13 of the Zahavi reference is used for planning a future storage network rather than *automatic allocation* of storage within an *operating* storage system.

The Examiner concedes that the Zahavi reference “does not teach that the processor creates the workload requirement automatically.” However, it is the Examiner’s position that automating the activities described in the Zahavi reference would be obvious.

The applicants respectfully disagree. However, even if it is assumed for purposes of discussion that activities of the Zahavi reference may be modified to provide for automated definition of workload requirements (a point not conceded), it is respectfully submitted that such a modification would not in any manner teach or suggest the operations recited in claim 25. On the contrary, it is respectfully submitted that such a modification would at best lead to a system for *planning* of network storage having an automated input instead of “*automatic* performance optimization of virtualized storage *allocation* within a network of *operating* storage elements” as required by claim 25 [emphasis added].

It is respectfully submitted that the deficiencies of the Examiner’s citations to the Zahavi reference are not met by the Examiner’s citations to the Lee reference. The rejection of the

dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art. It is respectfully submitted that the rejection of the claims should be withdrawn.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

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